REMARKS/ARGUMENTS

Claims 1, 3, 4, 7-9, and 15 remain pending in the present patent application are numbered 1-4, 7-9, and 15. Claims 1, 8, and 15 have been amended herein. Claims 2, 5, 6, 10-14, and 16-20 are canceled herein without prejudice. No new matter has been added herein as a result of the amendments.

Amendments to the Claims

Claim 1 has been amended to reflect the following (Claims 8 and 15 include similarly amended features):

> A system for entry and display of blueprint data comprising a handheld device, said handheld device further comprising:
>
> a graphical user interface for providing line segment data entry fields, arc data fields comprising a start point field, an end point field, and a radius field and for displaying input line segments and arc data;
>
> a processor and memory adapted for accepting one at a time, storing, and editing line segment and arc data associated with said input line segments, said editing of said arc data further comprising an arc segmenter for automatically segmenting a previously placed arc into at least two distinct arc segments, and wherein said input line segments are stored as a hierarchical sequence according to said accepting one at a time, and wherein editing, insertion, or deletion of a selected line segment translate line segments that succeed the selected line segment of said hierarchical sequence without translating line segments that precede the selected line segment in said hierarchical sequence.

Support for the amendment, "accepting one at a time" can be found in Applicant's specification at least on page 3, second paragraph. Support for the amendment, "and wherein said input line segments are stored as a hierarchical sequence, and wherein editing, insertion, or deletion of a selected line segment translate line segments that succeed the selected line segment of said hierarchical sequence without translating line segments that precede the selected line segment in said hierarchical

sequence", can be found in Applicant's specification at least at Claim 2, and on page 12, first through third paragraph.

35 U.S.C. §102(b) Rejections

Claims 1, 3, 4, 7, 8, 11, 15, and 17

The Office Action mailed June 9, 2008 (hereinafter, "instant Office Action") rejected Claims 1, 3, 4, 7, 8, 11, 15, and 17 under 35 U.S.C. §102(b) as being anticipated by User Guide PocketCAD PRO Version 4.0 (hereinafter, "PocketCAD"). As stated herein, Claims 11 and 17 have been canceled. The rejections and comments set forth in the instant Office Action have been carefully considered by the Applicant. Applicant respectfully submits that Claims 1, 3, 4, 7, 8, and 15 are not anticipated by PocketCAD in view of at least the instant response.

Applicant respectfully points out that Claim 1 recites (Claims 1, 8, and 15 include similar features):

> A system for entry and display of blueprint data comprising a handheld device, said handheld device further comprising:
> a graphical user interface for providing line segment data entry fields, arc data fields comprising a start point field, an end point field, and a radius field and for displaying input line segments and arc data;
> a processor and memory adapted for accepting one at a time, storing, and editing line segment and arc data associated with said input line segments, said editing of said arc data further comprising an arc segmenter for automatically segmenting a previously placed arc into at least two distinct arc segments, and wherein said input line segments are stored as a hierarchical sequence according to said accepting one at a time, and wherein editing, insertion, or deletion of a selected line segment translate line segments that succeed the selected line segment of said hierarchical sequence without translating line segments that precede the selected line segment in said hierarchical sequence.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference". MPEP §2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 103 (Fed. Cir. 1987). ... "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "The elements must be arranged as required by the claim..." *In re Bond*, 910 F.2d 831, 15 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully agrees with the instant Office Action that states:

> PocketPAD [sic] fails to expressly teach storing as a hierarchical sequence and translating line segments that succeed the selected line segment of said hierarchical sequence without translating line segments that precede the selected line segment in said hierarchical sequence.

(Emphasis added; instant Office Action, page 5, section 8.)

Applicants respectfully submit that PocketCAD does not anticipate and remains silent as to:

> ...wherein said input line segments are stored as a hierarchical sequence according to said accepting one at a time, and wherein editing, insertion, or deletion of a selected line segment translate line segments that succeed the selected line segment of said hierarchical sequence without translating line segments that precede the selected line segment in said hierarchical sequence.

as is recited in Applicant's Claim 1. Therefore, Applicants respectfully submit that PocketCAD does not teach each and every element, either expressly or inherently, in Applicants' Claim 1.

Thus, Applicant respectfully submits that PocketCAD does not anticipate the features as are set forth in independent Claim 1, and as such, Claim 1 traverses the rejection under 35 U.S.C. §102(b) and is condition for allowance. Accordingly, Applicant also respectfully submits that PocketCAD does not anticipate Claims 8 and 15 that include similar features to Claim 1 for reasons stated herein regarding Claim 1. Furthermore, Applicant respectfully submits that Claims 3, 4, and 7 depending on Claim 1, Claim 11 depending on Claim 8, and Claim 17 depending on Claim 15 overcome the rejection under 35 U.S.C. §102(b) as being dependent on an allowable base Claim.

Rejection under 35 U.S.C. §103(a)

Claims 2, 12-14, and 18-20

The instant Office Action rejected Claims 2, 12-14, and 18-20 under 35 U.S.C. §103(a) as being unpatentable over PocketCAD in view of Thomas et al. (U.S. Patent Application No. 7,103,774) (hereinafter, "Thomas"). As stated herein, Claims 2, 12-14 and 18-20 have been canceled. Applicant respectfully submits that that instant Office Action's rejection of Claims 2, 12-14, and 18-20 is moot at this time.

However, since Applicant has amended independent Claims 1, 8, and 15 via incorporating therein the features of Claim 2 into Claims 1 and 15, and the features of Claim 14 (including features similar to Claim 2) into Claim 8, Applicant addresses the instant Office Action's rejection of Claim 2 herein. The rejections and comments set forth in the instant Office Action have been carefully considered by the Applicant. Applicant respectfully submits that the rejection of Claims 1, 8, and 15 over PocketCAD in view of Thomas is improper for at least the following rationale.

Applicants respectfully submit that the combination of PocketCAD and Thomas does not satisfy the requirements of a *prima facie* case of obviousness because the features of Claims 1, 8, and 15 would not have been obvious over the combination of PocketCAD and Thomas as a whole.

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "[a]scertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (emphasis in original; MPEP 2141.02(I)).

Moreover, Applicant respectfully notes that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations. However, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141[III]).

Additionally, MPEP §2141.02 VI provides, "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis added; MPEP 2141.02 VI, *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 [Fed. Cir. 1983], *cert. denied*, 469 U.S. 851 [1984]).

Applicant respectfully reiterates that embodiments of Applicants' claimed invention as a whole would not have been obvious, and therefore the instant Office Action does not satisfy the requirements for a rejection of Claim 2 under 35 U.S.C. §103(a). In particular, Applicant respectfully submits that the instant Office Action fails to explain the differences between PocketCAD, Thomas, and Applicants' claimed features, in which portions of Thomas teach away from embodiments of Applicant's claimed features. Moreover, Applicant respectfully submits that the instant Office Action fails to explain why these differences would have been obvious to one of ordinary skill in the art.

As presented above, Applicant respectfully submit that PocketCAD does not teach or suggest "...wherein said input line segments are stored as a hierarchical sequence according to said accepting one at a time, and wherein editing, insertion, or deletion of a selected line segment translate line segments that succeed the selected line segment of said hierarchical sequence without translating line segments that precede the selected line segment in said hierarchical sequence." (emphasis added) as is recited in Applicant's Claim 1. Furthermore, Applicant respectfully submits that the combination of PocketCAD and Thomas as a whole fails to suggest the features of Applicant's Claim 1 because there is no motivation or suggestion within Thomas to modify PocketCAD to arrive at embodiments of Applicant's invention.

Applicants understand Thomas to teach a "system for creating measured drawings" (Thomas, Title) in which "[e]rror minimizing functions are used to ensure data integrity" (Thomas, Abstract). Thomas's "setup may be used to take multiple measurements simultaneously" (Emphasis added; Thomas, column 15, lines 61-62). Moreover, Thomas describes one embodiment of the error minimization process as that which:

> ...forces the start and end points of the area (a level, a room, etc.) to join or close. This task may force a couple of wall segments (namely the first and last wall segments) to be slightly distorted away from their recorded measurements, introducing a measure of imprecision in the data. The closing process in then repeated with a second set of wall segments, and so on around the entire room or area, until all of the wall segments have been slightly modified so as to minimize the total error.

Specifically, Thomas fails to teach, describe, or suggest, "...wherein said input line segments are stored as a hierarchical sequence according to said accepting one at a time, and wherein editing, insertion, or deletion of a selected line segment translate line segments that succeed the selected line segment of said hierarchical sequence without translating line segments that precede the selected line segment in said hierarchical sequence" (emphasis added) as is recited in Applicant's Claim 1.

Furthermore, Applicant respectfully submit that Thomas teaches away from embodiments of Applicant's claimed invention. For example, Thomas enables multiple measurements to be taken simultaneously, and modifies all line segment inputs (preceding and succeeding the selected line segment) in response to an editing instruction. In contrast, Applicant's Claim 1 accepts input line segments one at a time, and does not modify all line segment inputs. Applicant's Claim 1 modifies the line segment inputs "that succeed the selected line segment of said hierarchical sequence" (Applicant's Claim 1).

Moreover, Applicant respectfully submits that the instant Office Action does not explain why the differences between PocketCAD, Thomas, and Applicant's claimed features would have been obvious to one or ordinary skill in the art.

Thus, in view of the combination of PocketCAD and Thomas not satisfying the requirements of a *prima facie* case of obviousness, Applicant respectfully asserts Claim 1 is patentable as incorporating the features of Claim 2 that is patentable for the rationale

described herein. Furthermore, Applicant respectfully submits that Claims 8 and 15 are patentable for the reasons described herein regarding Claim 1.

CONCLUSION

In light of the amendments and remarks presented herein, Applicant respectfully asserts that Claims 1, 3, 4, 7-9, and 15 overcome the rejections of record. Therefore, Applicant respectfully solicits allowance of these Claims.

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
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